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THE ARMY, THE NAVY, AND
TRANSPORTATION
Washington DC 20330

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Safety

**PARTICIPATION IN A MILITARY OR CIVIL AIRCRAFT ACCIDENT
SAFETY INVESTIGATION**

This regulation, developed by mutual agreement between the Army, the Navy, the Air Force, and the Coast Guard, and coordinated with the National Transportation Safety Board (NTSB) and the Federal Aviation Administration (FAA), implements Title 49, United States Code (U.S.C.), Section 1442 by providing for military participation in certain NTSB investigations, NTSB/FAA participation in certain military investigations, and release of certain information related to military aircraft accident safety investigations to the NTSB and FAA.

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SECTION A—POLICIES, PROCEDURES AND ADMINISTRATIVE MATTERS

1. Responsibility. The USAF is responsible for monitoring this directive through the Deputy Inspector General for Inspection and Safety. Send proposed changes to the Air Force Inspection and Safety Center (SE), Norton AFB CA 92409. The Deputy Inspector General for Inspection and Safety will promulgate the revision(s) after obtaining a consensus from those organizations and will administer any matter needing resolution according to applicable directives.

2. Overall Policy. Timely coordination and maximum cooperation between military and civil agencies concerning aviation safety matters are vital to the prevention of aircraft accidents. Therefore, military commanders furnish all reasonable assistance within their capability to other Government activities participating in an aircraft accident investigation.

3. References. A cross index of references related to this regulation is in attachment 1. The basic law implemented by this regulation is part of the Federal Aviation Act 1958 and is referenced as Title 49, U.S.C., Section 1442. It reads as follows: "1442. Accidents involving military aircraft—Participation in investigations by military authorities. (a) In the case of accidents involving both civil and military aircraft, the Board shall provide for participation in the investigation by appropriate military authorities.

'Participation in investigations by Administrator (b) In the case of accidents involving solely military aircraft and in which a function of the Administrator is or may be involved, the military authorities shall provide for participation in the investigation by the Administrator.

'Furnishing information to Administrator and Board (c) With respect to other accidents involving solely military aircraft, the military authorities shall provide the Administrator and the Board with any information with respect thereto which, in the judgment of the military authorities, would contribute to the promotion of air safety. Public Law 85-726, Title VII and 702, Aug. 23, 1958, 72 Stat 782."

4. Terms Explained. Terms used in this regulation are defined as follows:

a. ~~Accident Investigation Manager (AIM)—the NTSB Bureau of Aviation Safety project manager responsible for the overall direction of inquiries into major aircraft accidents.~~ Deleted 28 Jun 80

b. Administrator—the senior official of the FAA.

c. Aircraft Accident (Civil Definition)—an occurrence associated with the operation of an aircraft—which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked—in which any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or the aircraft receives substantial damage. see NTSB Procedural Regulations S830.2 for amplified definitions of fatal injury, serious injury, and substantial damage.

d. Aircraft Accident (Military Definition)—an event which occurs when intent for flight exists and results in destruction or substantial damage to the aircraft. Intent for flight is further defined as existing when an aircraft engine is started for the purpose of commencing authorized flight and continuing until the aircraft comes to rest with the engine(s), propeller(s), or rotor(s) stopped and brakes set or wheel chocks in place. See applicable military directives for amplified definitions of substantial damage, disabling injuries, property damage, and intent for flight.

e. Board (Standing Alone)—the NTSB.

f. Civilian Coordinator in a Civil Aircraft Accident Investigation—the person appointed by a "Party to the Investigation" to represent them, to have control of their personnel, and be liaison between the "Party" and the investigator-in-charge during the field investigation.

g. Collateral Investigation—any investigation of an aircraft accident directed by a military service for any purpose other than accident prevention.

★h. FAA Accident Coordinator—the FAA representative assigned to supervise all FAA participants in an accident or incident investigation conducted by the NTSB or military services. This individual is responsible for management of all FAA resources available at the scene. The coordinator is not normally a participant, but has the authority to ensure

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the procurement and smooth operation of all needed and participating FAA personnel, facilities, and records.

i. Hearing—a public hearing ordered by the Chairperson, NTSB whenever the Board deems it necessary in the public interest to be held following the field investigation for the purpose of further investigation and reporting to the public a record of the facts, conditions, and circumstances relating to the accident.

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j. Investigator-in-Charge (IIC)—the person designated by the NTSB as authorized to organize, conduct, and control the on-site investigation and to assume responsibility for the supervision and coordination of all resources and activities of all personnel (including "parties to the investigation") involved in the NTSB ~~field~~ investigation.

k. Military Aircraft Accident Safety Investigation—an investigation directed by a military service under its directives that apply to accident prevention. The officer designated in charge of this investigation is responsible for the supervision and coordination of all resources and of the activities of all personnel (including "participants") involved in the military investigation.

l. Military Coordinator—an individual designated by a military safety center to provide liaison and coordination between a civil aircraft accident investigation and a military aircraft accident safety investigation.

m. Military Participants to the Field Investigation—technically qualified personnel designated by a military safety center to participate in and actively assist the field investigation conducted by the NTSB of an aircraft accident involving both civil and military aircraft.

n. Military Safety Center—one of the organizations listed as a military safety center in attachment 2.

o. Participant in a Civil Aircraft Accident Investigation—a person designated by a "Party to the Investigation" to assist in an aircraft accident investigation until released by the NTSB Group Chairperson and the accident coordinator.

★ p. Participant in a Military Aircraft Accident Safety Investigation—a person designated by the FAA or NTSB to participate and actively assist the investigation. FAA participants are assigned to the FAA Accident Coordinator.

q. Parties to the Field Investigation—those persons, Government agencies, companies, and associations designated by the investigator-in-charge to actively assist in the field investigation. S831.16

r. Parties to the Hearing—those persons, Government agencies, companies, and associations who participate in the field investigation that are designated by the Chairperson of the Board of inquiry as Parties to the Hearing. Parties to the Hearing are represented by a spokesperson who will do

all questioning for the party during the hearing. The spokesperson may have participants to assist in preparing questions during the hearing (S831.27).

s. Participant to the Hearing—suitably qualified personnel designated by a military safety center to assist the military spokesperson in the hearing and contribute to developing pertinent evidence under the NTSB rules of practice for public hearings, section 831.20.

5. Classified Matters and Security Clearances. Security matters are administered generally as follows and always according to military service regulations that apply:

a. The commander of the unit to which a military aircraft involved in an accident is assigned, the commander of the nearest military installation, and the commander conducting the aircraft accident investigation are responsible for the security of classified matters and material in the aircraft.

b. The senior military member of an investigating board is responsible for ensuring that all persons participating in the investigation who require access to classified matters possess an appropriate security clearance.

c. In an ~~an~~ NTSB investigation, the military coordinator ~~is~~ serves in a liaison capacity for security matters between the NTSB investigator-in-charge and the responsible military commander.

d. Official notification to military authorities by the NTSB and the FAA (see attachment 4) plus NTSB and FAA personnel identification credentials constitute adequate evidence of security clearance.

6. Description of Investigations. It is essential that all personnel understand and appreciate certain significant differences among the various investigations that may be conducted on a single aircraft accident. The following paragraphs highlight those differences but do not fully describe any of the investigative processes. Specific questions should be resolved with reference to the appropriate military directive or NTSB procedural regulations.

a. Authority to Investigate (Military). The authority to direct an accident investigation is derived from the administrative powers of the military department secretary concerned. Specific authority delegations are described in applicable military directives.

b. Authority to Investigate (Civil). The authority of the NTSB to investigate is derived from Title 49, U.S.C., Section 1441 and Section 1903 and other laws that apply. Its authority as stated in NTSB Regulations 831 includes, "sole responsibility for the inquiries into all accidents involving civil aircraft, or civil and military aircraft, within the United States, its possessions and territories." Depending on international policy and agreements, its authority can extend to accidents involving US

civil and military aircraft outside the United States.

c. Types of Investigation (Military). Within the military, there are two types of investigations which are distinguished by purpose.

(1) A military aircraft accident safety investigation conducted solely for accident prevention. Its product is a privileged report that establishes cause(s) and makes recommendations that prevent recurrence.

(2) A collateral investigation is a legal proceeding conducted separately and apart from the safety investigation. It determines all facts and circumstances related to the accident and establishes a basis for any administrative or judicial proceedings relative to punitive actions, claims, or entitlements. Its product is a releasable report that meets requirements for legal sufficiency. It may or may not determine causes and make recommendations.

d. Types of Investigation (Civil). By law, only the NTSB is charged with determining the probable cause of those aircraft accidents it is authorized to investigate. If there are other investigations present (such as state, local, military, or private), they cannot be considered joint investigations nor can they interfere with the activities of the board.

e. Investigative Procedures (Military). In the military, a separate board of officers is generally convened to investigate each accident. It conducts the field investigation, makes a determination of cause(s) and prepares any required reports.

f. Investigative Procedures (Civil). The NTSB is a standing board of five persons appointed by the President and responsible to Congress. It does not necessarily conduct or participate in investigations in the same manner as military accident boards. Civil investigations generally proceed through three distinct phases:

(1) Field Investigation. Generally, this is conducted by one or more field investigators (headed by an investigator-in-charge) operating out of one of

the NTSB field offices. Catastrophic air carrier accidents, or accidents involving unique public or official attention, are conducted by an investigator-in-charge and a team from the Washington or field offices. The overall inquiry is managed by an AIM ITC *ch 2*

(2) Public Hearings. If the ~~Chairperson~~ *NTSB* *ch 2* determines that a public hearing is necessary, it is conducted by a member of the board and a hearing officer under NTSB procedural regulations. *25 JUN 70*

(3) Determination of Probable Cause. The authority to determine cause is exclusively that of the appointed board and is done on the basis of the field investigation, the results of the public hearing (if held) and any other information submitted to the board for its consideration.

g. Participants in a Military Investigation. In general, a military aircraft accident safety investigation is conducted by military or civilian personnel assigned to that service. Title 49 U.S.C., Section 1442 (paragraph 3) requires that the military authorities provide for the participation of the FAA Administrator in those military aircraft accidents in which a function of the Administrator is or may be involved. As used here, the term "participation" is construed to mean actively assist in all phases of the investigation (except those involved with analysis and determination of cause or otherwise restricted by military directive) under the direction of the senior officer of the investigation board. This same right of participation may be extended to representatives of the NTSB where, in the judgment of the military authorities, such participation could contribute to air safety. Exercise of the right of participation is at the discretion of the FAA Administrator or the NTSB.

h. Participants in a Civil Investigation. Civil investigations are commonly assisted by "participants" from Government agencies, manufacturers, and employee associations. They are called "parties to the field investiga-

tion" and generally require the approval of the IIC and participate at his or her pleasure. An exception is Title 49, U.S.C., Section 1442 (paragraph 3) which directs the NTSB to provide for military and FAA participation in accidents involving both civil and military aircraft. This same participation extends to the public hearing where they are called "parties to the hearing." In general, parties to either the field investigation or the hearing are expected to actively assist in all phases except for the NTSB analysis and the assessment of probable cause.

i. Witness (Military Investigation):

(1) Oral or written statements provided to a military aircraft accident safety investigation are not made under oath and may be made (depending on service policies) with the assurance that the statement will be used only for accident prevention and will not be released for any other purpose. This assurance is given so that the investigating board may be provided with complete and candid information about the accident. Since witnesses are granted immunity from release or use of their statements, their rights against self-incriminating testimony are upheld and they are free to express personal opinions or speculations on matters on which they could not testify in court. They are not normally represented by counsel.

(2) On the other hand, witnesses to a military collateral investigation do testify under oath and their statements may be admitted as evidence or released and used in any manner. It is important that they be advised of their rights prior to testifying at a collateral investigation, and it is appropriate for the witness to be represented by a counsel.

j. Witnesses (Civil Investigation). Under the law, the NTSB has subpoena power and can, therefore, compel witnesses to either make statements to its field investigators or testify at its public hearings. Witnesses providing statements to field investigators are normally not sworn. Witnesses testifying at public hearings testify under oath. In both cases, the witness is advised as to the purpose of the investigation. Any statement (or testimony) becomes part of the public record. Persons interrogated during the field investigation or who testifies at a public hearing "shall be accorded the right to be accompanied, represented, or advised by counsel or by any other duly qualified representative." (NTSB Procedural Regulation 831.8.)

k. Analysis and Development of Cause(s) (Military). The process of analyzing the evi-

dence and developing causes is accomplished by the same board of officers who conducted the field investigation. There is no provision for participation by personnel other than those appointed to the board.

l. Analysis and Development of Causes (Civil):

(1) Analysis is done by the investigation^{ehz} group chairperson^{and the}, investigator-in-charge, or^{STW} accident investigation manager. All of these are representatives of the NTSB and their analysis is considered privileged. Parties to the investigation are not allowed to participate.

(2) Probable cause is determined by the five member NTSB. Parties to the investigation are not allowed to participate.

m. Aircraft Accident Report (Military):

(1) Aircraft accident safety investigation report is compiled by the military board appointed to investigate the accident in a format directed by the military service involved. Access to that report is limited to those specified in service regulations. The privileged nature of the report is maintained and the release of the report for any purpose is prescribed by the departmental secretary having custody of the report.

(2) Aircraft accident collateral report is compiled by the collateral investigation board (or officer) appointed for that purpose. It is releasable to either the FAA Administrator or the NTSB and, upon request, to the public.

n. Aircraft Accident Report (Civil). The NTSB aircraft accident report (AAR) is not exactly analogous to the military aircraft accident safety investigation report in that it is prepared by the NTSB after completion of the field investigation, the public hearing, and the analytical work of the NTSB investigative staff. It does not normally contain factual evidence such as documents, statements, transcripts, photographs, and so forth. The report does contain the NTSB's assessment of probable cause, and its recommendations. It is releasable. Under the law, NTSB accident reports are not admissible as evidence in a court of law. The factual investigation report (compiled by the field investigation team and containing statements, photographs, documents, and so forth) and the transcript of the public hearing are also releasable on request for a fee. These same documents are available for review at NTSB headquarters in Washington DC. There is no charge for the inspection of the material. The NTSB investigator's analysis and information which is considered proprietary, violates

personal privacy, or is classified for security reasons is not releasable. (See also NTSB Procedural Regulation 801 and appendix A thereto.)

SECTION B—MILITARY PARTICIPATION IN NTSB INVESTIGATIONS

7. General. An accident, as defined in paragraph 4 (Aircraft Accident, Civil) and involving both civil and military aircraft, requires investigation by the NTSB as the primary investigative agency. It probably also requires a simultaneous investigation by the military service involved. Under Title 49 U.S.C., Section 1442, the NTSB must provide for the participation of the military authorities in their investigation. (See paragraph 3). Because of the simultaneous and separate investigations of the same event, it is important that information concerning the accident be exchanged as promptly and completely as possible according to regulations that apply at the time of notification and during the investigation.

8. Notification:

a. **Military Commanders.** The military commander having first knowledge of a collision between civil and military aircraft (regardless of damage or injury) or an occurrence involving military aircraft that the NTSB field office has elected to investigate immediately notifies the appropriate military service headquarters and military safety center by telephone, if feasible, and by confirming message according to applicable service directives (see references listed in attachment 2).

b. **Military Safety Centers.** The military safety center relays immediately pertinent accident information by telephone and by confirming message to the NTSB and the FAA.

c. **NTSB or FAA.** The NTSB or the FAA immediately notifies the appropriate military safety center and the military service headquarters when NTSB or FAA personnel have first knowledge of an accident involving both civil and military aircraft regardless of damage or injury. This includes notification of any accident including military aircraft that the NTSB has elected to investigate.

9. Responsibilities:

a. The military safety center:

(1) Appoints a military coordinator from

the safety center to work with the NTSB investigation and provides liaison and coordination with the military aircraft accident safety investigation.

(2) Determines whether it wishes to participate in the NTSB investigation as a Party to the Investigation. If so, it will be necessary to establish direct contact with the IIC ~~to~~ ^{to determine} ~~to~~ ^{to determine} how the investigation will be organized. Then the safety center can designate an "accident coordinator" and additional participants to the various NTSB investigative groups. Delete
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(3) Notifies the NTSB and FAA (and military aircraft accident safety investigation board) of the name of the military coordinator, its intention to participate (or not participate) as a party to the NTSB investigation, and any necessary administrative arrangements (see attachment 5).

(4) If public hearings are to be held, determines whether it wishes to participate as a "Party to the Hearing." If so, provides notification of intent to participate to the Hearing Officer as prescribed by NTSB Procedural Regulations 831 and the following.

b. The Military Coordinator:

(1) Provides liaison and coordination between the NTSB investigation and the military aircraft accident safety investigation.

(2) Ensures that qualified personnel and factual data related to the accident (such as records, documents, transcripts, photographs, and technical information) are available to both investigations.

(3) Ensure that the names and addresses of all known witnesses to the accident are available to both investigations.

(4) Coordinates any requests for support (such as transportation, wreckage recovery, laboratory analysis) made of the military service by the NTSB. ⁽⁵⁾

NOTE: The military coordinator has no investigative responsibilities and does not participate or assist in the NTSB investigation. Reports to the service safety center should be limited to matters involving coordination of the two investigations.

c. The military "Participants to the Field Investigation":

(1) Actively assist and participate in all appropriate phases of the field investigation exclusive of the analysis activities of the NTSB investigators.

(2) Respond to the direction of the NTSB IIC or group leader.

(3) Upon approval of the IIC, relay to the military safety center such information de-

(5) THE NTSB INVESTIGATION MUST HAVE PRIORITY IN INTERVIEWING WITNESSES AND REVIEWING ALL RECORDS, DOCUMENTS, TECHNICAL INFORMATION, ETC.

veloped during the course of the investigation as is necessary for purposes of prevention or remedial action. (Information may be relayed orally at any time. Messages require approval of the IIC.)

(4) Contribute, as desired to either the factual investigation report or the appropriate group reports. (5)

d. The military "Spokesperson":

(1) Reviews the list of available exhibits and list of witnesses provided by the hearing officer.

(2) Attends the Prehearing Conference.

(3) Participates in the development of pertinent evidence during the hearing by exercising the right to question each witness.

e. The military safety center may, after completing the field investigation (and public hearing, if held) and reviewing the factual investigation report, submit recommendations to the NTSB as to the proper conclusions to be drawn from the evidence produced during the inquiry. These recommendations become part of the public docket and should be submitted according to NTSB Procedural Regulations S831.31.

f. Following the NTSB's determination of probable cause, the military safety center may submit a request for reconsideration based on the discovery of new evidence or on a showing that the Board's findings as to the facts, conditions, and circumstances of the accident are erroneous. This request becomes part of the public docket and should be submitted according to NTSB Procedural Regulation S831.36.

10. Press Releases. All press releases concerning the activities of the NTSB investigation are made by the Board Member present, the NTSB Office of Public Affairs, or the investigator-in-charge. Press releases dealing with determinations of probable cause or recommendations are normally transmitted through the NTSB Office of Public Affairs. That office furnishes copies of the release to the appropriate military department headquarters and safety center 5 days in advance of the official release date. If desired, the military safety center may provide the NTSB Office of Public Affairs with additional addresses for releases on specific accidents. Press releases concerning the activities of the military safety investigation are made according to military directives. Copies of releases should be furnished the NTSB through the military coordinator.

11. Investigative Cooperation. Because of requirements of law, differences in the degree of immunity granted witnesses, and differences in policy regarding releasability of reports, there cannot be a "joint" military-civil investigation with shared responsibility. Nevertheless, there are certain aspects of an aircraft accident investigation where cooperative effort is both logical and desirable. The purpose

(5) THE MILITARY PARTICIPANTS TO THE NTSB INVESTIGATIONS MUST NOT BE MEMBERS OF EITHER THE MILITARY SAFETY INVESTIGATION OR OTHER ACCIDENT/COLLATERAL INVESTIGATION.
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of this regulation is to foster such cooperation wherever possible while still preserving the integrity of the two investigations. In any such cooperative activity, the following points should be kept in mind.

a. By law, the NTSB has the primary responsibility and, therefore, the right to exercise final authority on procedural matters.

b. The military is under less restriction with respect to witnesses. The military investigation board may participate in the NTSB interrogation of witnesses (under NTSB rules) and then exercise its option to interrogate the same witnesses separately under service directives.

c. The reports and analysis of any such cooperative investigative effort should be written separately and without regard to the other report.

SECTION C—FAA/NTSB PARTICIPATION IN MILITARY INVESTIGATIONS

★ **12. General.** Circumstances may dictate NTSB or FAA participation in a military aircraft accident investigation, including an accident involving military and civil aircraft; a military accident involving an FAA function; or a military accident of mutual interest to the NTSB. In the case where a mutual interest exists, but no NTSB or FAA function is involved, the NTSB or the FAA may request to be an observer in the investigation; or the military safety center, at its discretion, may invite such observation. The NTSB and the FAA make their request by message addressed to the appropriate military service headquarters and include essentially the same information as outlined in attachment 4. On the other hand in a civil-military accident or an accident involving solely military aircraft in which a function of the FAA is or may be involved, the military service concerned provides for FAA participation in the military aircraft accident safety investigation. In this situation, the NTSB would submit a request to participate if it so desired.

13. Notification:

a. **Military Commanders.** The military commander conducting the aircraft accident safety investigation who determines that an FAA function is or may be involved in a military aircraft accident notifies the most convenient FAA facility available (see attachment 2). Normally this notification is made at the time the notification of the accident is sent to higher authority. Further, the commander sends additional information pertinent to FAA involvement to the FAA, although initially advised that the FAA did not intend to participate in the aircraft accident investigation.

b. **Military Safety Centers.** The military safety center is also responsible for determining, as soon as practicable after being notified of an aircraft accident, whether the FAA may have an interest in

the aircraft involved is a model or type used by civil aviation, if aircraft has an FAA certification of airworthiness, and if the design or airworthiness is a possible accident-cause factor. If a military safety center considers that the FAA has, or may have, an interest in an aircraft accident or determines that an FAA function is, or may be, involved in an aircraft accident, the center notifies the FAA (see attachment 3) and the president of the Military Aircraft Accident Safety Investigation Board.

14. Responsibilities:

a. **Military Commanders.** The military commander conducting the aircraft accident safety investigation is responsible for determining whether an FAA function is, or may be, involved in an aircraft accident. Such determination is made at the time the notification of the accident is sent to higher military authorities. If in doubt, the commander states that a function of the FAA may be involved. If subsequent to a negative determination, it develops that the FAA may be involved, the senior military member of an aircraft accident safety investigating board informs the responsible safety center, who informs the FAA (see attachment 2).

(1) **General Criteria.** A function of the FAA is considered to be involved in the accident if an FAA employee or designee, a facility, or a procedure may possibly be associated with the accident. It is not necessary that an FAA function, or its degree of performance, be a possible contributing factor in or to the accident.

(2) **Specific Criteria.** The FAA is considered involved in the aircraft accident if any of the following may have a bearing on the accident:

(a) **Personnel:**

1. The performance of an FAA employee or designee.

2. FAA airman certification of a civilian crew member of a military aircraft.

(b) **Facilities.** Air navigation or airport facility established, operated, or maintained by the FAA or by another agency in cooperation with the FAA.

(c) **Operations and Air Traffic Control:**

1. Assignment by rule, regulation, or order the use of the navigable airspace under such terms, conditions, and limitations as necessary.

2. Performance of an air traffic service, including the issuance of an air traffic clearance, air traffic instruction, or air traffic advisory; the transmission of air-ground and point-to-point messages; the making or transmission of weather observations and reports; the preparation and dissemination of NOTAMS; the provision of flight service and airport advisory service.

3. Delegation of an approach control function to a military air traffic control facility.

4. An operation being conducted under a waiver or an exemption granted by the FAA admin-

istrator.

(d) **Publications:**

1. FAA regulations and nonmilitary aeronautical publications, including but not limited to en route high and low altitude charts, terminal area charts, sectional and local charts, aeronautical planning and navigational charts, standard instrument arrival and departure charts, instrument approach procedures, airman's information manual, and other technical publications.

2. Orders relating to obstruction clearance criteria, flight inspection, and lighting and navigational markings at airports and along airways.

b. The FAA indicates its desires regarding participation in the investigation and furnishes information, as outlined in attachment 4, to the originator of the notification message and the military safety center. The FAA may desire to participate in an aircraft accident safety investigation notwithstanding a military service evaluation that the FAA does not appear to be involved or interested in the accident. In this case, the FAA notifies the appropriate military safety center and the military commander responsible for the investigation (see attachment 4).

15. Witnesses:

a. **Witness Testimony and Privileged Reports.** Witness testimony is administered as follows:

(1) FAA has agreed that the testimony of witnesses and any other information obtained by FAA participants in a military aircraft accident safety investigation will:

(a) Be considered and treated by the FAA as privileged to the degree and in the same manner as the military service conducting the investigation.

(b) Not be released outside the FAA.

(c) Not be used for any punitive or enforcement action.

b. The military authorities afford an FAA witness the same protection as a military witness regarding testimony before a Military Aircraft Accident Safety Investigation Board.

16. Participation:

a. **Participation of FAA in Military Aircraft Accident Safety Investigation.** FAA participates in a military aircraft accident safety investigation solely for the purposes of safety in national aviation and the prevention of accident recurrence. FAA personnel participating in a military aircraft accident safety investigation will not participate in any other investigation of the same aircraft accident, nor will FAA have enforcement or punitive responsibility concerning any person involved in the aircraft accident.

★b. **Participation by the FAA Accident Coordinator and His or Her Assistant.** The FAA participant(s) are permitted to actively participate in the

investigation of a military aircraft accident except that they do not participate in the determination of causal factors, findings, or recommendations by the Military Aircraft Accident Safety Investigation Board. If an FAA function is identified as a cause factor, the president or senior member of the Military Aircraft Accident Safety Investigation Board gives the FAA accident coordinator an opportunity to submit his or her views concerning the board's findings. These views are appended to the aircraft accident investigation report.

(1) The FAA accident coordinator:

(a) Determines the extent of involvement of an FAA function and the extent of participation in the investigation.

(b) Effects liaison between the FAA and the military authorities.

(c) Furnishes all pertinent information available through FAA sources.

(d) Arranges for FAA witnesses who may contribute to the investigation.

(e) Ensures that all FAA personnel participating in the investigation understand the privileged nature of a statement of a witness.

(f) Indicates to the president or senior member of the Aircraft Accident Safety Investigation Board at the time the board completes the investigation whether the FAA desires a brief of the accident investigation report. NOTE: The military safety center prepares the brief of the aircraft accident for submission to the FAA according to appropriate service directives.

★(2) FAA Participants:

(a) Report to the FAA Accident Coordinator for assignment to the Military Safety Investigation Board.

(b) Are expected to remain with the Military Safety Board and participate in the investigation as directed by the board president until released by the board president.

(c) Are authorized to report daily to the FAA coordinator upon being released by the Military Safety Board President and prior to departing the scene at the close of the investigation.

(d) May discuss with the FAA coordinator any information obtained while participating in the investigation, and may arrange for the FAA coordinator to inspect exhibits.

(e) May, under the direction of the military safety board president, interview witnesses, examine the wreckage, and other material evidence (provided they possess proper security clearance), and participate in all investigation activity except for determination of causal factors, findings, or recommendations.

c. Participation by NTSB Personnel. NTSB personnel are permitted to participate actively in an investigation of a military aircraft accident. However, NTSB personnel do not participate in the de-

termination of causal factors by the Military Aircraft Accident Safety Investigation Board, nor do they participate in developing the Military Safety Board findings or recommendations.

17. Release of Information Concerning Accidents:

a. Press Releases. All press releases concerning the activities of the military aircraft accident safety investigation are made according to the directives of the service conducting the proceedings.

b. FAA or NTSB Release of Information. On approval of the president or senior military member, FAA or NTSB participants in the investigation may relay to their respective home offices information which is necessary for purposes of prevention or remedial action. Under no circumstances will accident information be released to, or discussed with, unauthorized persons whose knowledge thereof might adversely affect the investigation.

c. Copies of Documents. Copies of all nonprivileged documents used by the Aircraft Accident Safety Investigation Board are provided the FAA coordinator and NTSB personnel as desired. These documents include pertinent flight and aircraft records, photographs, weather reports, transcripts of radio transmissions, and laboratory analysis reports, but exclude all testimonial evidence, analyses, opinions, findings, conclusions, and recommendations made in the military aircraft safety investigation report.

d. Findings or Recommendations Concerning Another Department or Agency. Findings and recommendations made as a result of a military aircraft accident safety investigation concerning another department or agency are promulgated only from the appropriate military service headquarters. In such instances, the findings and recommendations are sent by the Aircraft Accident Safety Investigation Board's president or senior member through the appropriate military safety center to the military service involved for further action.

e. NTSB Recommendations. Any recommendations which are deemed appropriate by NTSB personnel in relation to any portion of a military accident safety investigation report are coordinated with the military safety center conducting the investigation prior to release.

SECTION D—PROVISION FOR EXCHANGE OF AIRCRAFT ACCIDENT INFORMATION AND FOR INVESTIGATIVE ASSISTANCE

18. Military Safety Center Responsibilities. The military safety center provides the NTSB and the FAA with any information that would contribute to the promotion of aviation safety.

19. Information of Interest to NTSB and FAA.

While particular concern is to be given information pertinent to the areas of responsibility and cognizance of the NTSB and the FAA, any information considered useful in the field of aviation safety should be furnished. Certain areas of interest are identified as follows:

a. **Military Aircraft Accident Safety Investigation Reports.** If the findings and recommendations in a military aircraft accident safety investigation report are adjudged by the appropriate military authority to be of interest to the NTSB or the FAA, the appropriate military safety center prepares a brief of essential information and sends it to the NTSB or FAA (as applicable) through the military service headquarters concerned.

b. **Comparison of a Series of Accidents.** An evaluation of a series of accidents may disclose a hazardous condition requiring appropriate corrective action. Such evaluation is sent promptly to the NTSB and the FAA if it pertains to areas of mutual interest.

20. Aircraft Accident Prevention Suggestions.

A military commander or a member of any military unit may submit comments, suggestions, or recommendations for aircraft accident prevention purposes that are related to the NTSB or the FAA. This correspondence should be sent through military channels to the applicable military safety center for evaluation and action.

BY ORDER OF THE SECRETARIES OF THE AIR FORCE, THE ARMY, THE NAVY, AND TRANSPORTATION

OFFICIAL

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Chief of Staff

JAMES J. SHEPARD, Colonel, USAF
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Rear Admiral, United States Navy
Assistant Vice Chief of Naval Operations/
Director of Naval Administration

R. H. SCARBOROUGH

Rear Admiral, US Coast Guard
Chief of Staff

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This revision modifies or adds terms and definitions as needed to standardize and be consistent with appropriate NTSB and FAA regulatory sections of the Federal Aviation Act of 1958. It increases the number of terms explained in section A; moves addressees of Military Service Headquarters and Military Safety Centers from paragraph 5 to attachment 2; highlights the differences between the various types of civil and military investigations in more detailed and specific terms (paragraph 6); redesignates section B to reflect "Military Participation in NTSB Investigations" and realigns the paragraphs in proper chronological order; incorporates a listing of NTSB Organizational and Procedural Regulations (attachment 1); provides participating agencies—Military, NTSB, FAA—direct communication references (addresses and phone numbers) (attachment 2); and revises message formats for use by the NTSB, FAA, and Military (attachments 3, 4 and 5).

DISTRIBUTION:

Air Force: F

Army:

Active Army, ARNG, USAR: To be distributed in accordance with DA Form 12-9A requirements for AR, Aviation—B (Qty rqr block no. 125).

Coast Guard (SDL No. 101

A: None

B: l(10); bc(3); k(1)

C: ab(3)

D: None

E: None

F: None

Navy:

SNDL (One copy unless otherwise indicated)

A1 (Immediate Office of the Secretary)

A2A (Independent Offices) (JAG, only)

A4A (Chief of Naval Material)

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26DD

26JJ

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27C

27F

28A

28C

28L

29

29H

29J

31H

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42Y1

46

51B3

C4F6

C4F8

C4F9

C4F16

C4H

C4J

C4K

C5

(Harbor Clearance Unit)

(Fleet Area Control and Surveillance Facility)

(Fleet Liaison Officer)

(Sea Frontier Commanders)

(Flag Administrative Unit)

(Carrier Group)

(Cruiser-Destroyer Group, Destroyer Development Group and Surface Group and Force Representatives)

(Amphibious Squadron) (6)

(Warships) (Less 29E, 29H, 29J, and 29S)

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(Training Aircraft Carrier (CVT)) (6)

(Amphibious Assault Ship) (3)

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(Photographic Squadron (VFP)) (12)

(Fleet Marine Force-Aviation) (3)

(Southern Europe Area (CINCSOUTH only))

(Air Facility/Station Detachment)

(Annexes, Branches, Groups, Ranges and Auxiliary Landing Fields) (Naval Auxiliary Landing Field, Crows Landing, CA, and San Clemente Island, CA, only)

(Laboratory Detachment) (AUTEC Detachment, West Palm Beach, FL, only)

(Air Reserve Detachment)

(Senior Naval Officer, NASA)

(Miscellaneous (NAVAIRSYSCOM Test & Evaluation Coordinator, only))

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FC4	(Air Facility NAVEUR) (3)		(6) Armed Forces Institute of Pathology, Wash DC 20305 (3)
FC7	(Station NAVEUR) (3)		
FG11	(Training Command—Morocco)	Copy to:	
FH17	(Aerospace and Regional Medical Center) (3)	SNDL C1	(Naval Officers at Army Activities) (Senior Naval Officer, Army War College, Carlisle Barracks, PA 17013) (only)
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FKA6B1	(Air Facility CNM) (3)		HQ US Army (3)
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FKR	(Shore Activities under the Command of the Commander, Naval Air Systems Command) (less FKR1B (NAVAIRE-WORKFAC Pensacola, only; FKR2A (NAVPRO Burbank), FKR3, and FKR4)		Commander, US Army Agency for Aviation Safety, Ft. Rucker AL 36362 (6)
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FKR2A	(Naval Plant Representative Burbank, only) (9)		Headquarters, US Marine Corps Air Station, El Toro, Santa Ana CA 92709 (12)
FKR3	(RDT&E Activities) (3)		Defense Supply Agency, Defense Contract Administration Services District, Hartford, 96 Murphy Road, Hartford CT 06114
FKR4	(Missile Range Activities) (4)		Op's 002, 03, 09B1, 09A, 09B27, 05F(20), 05R, 506(10), 50, 51, 52, 511, 513(4), 55, 59(2), 60, 941, 943, 982, 985, and 986
FT	(Activities under the Command of the Chief of Naval Education & Training		Stocked:
			CO, NAVPUBFORMCEN
			5801 Tabor Ave.
			Philadelphia, PA 19120

CROSS INDEX OF MILITARY DIRECTIVES

The following publications, not all inclusive, are related to this directive. Each may, under certain circumstances, be used during an implementation of this directive when an accident involves one or more aircraft assigned to a department or an agency. In the event of foreign involvement, NATO STANAG 3531 would also apply.

	Applicable Directive			
	<i>Army</i> <i>ARNG</i> <i>USAR</i>	<i>Navy, USNR,</i> <i>Marine Corps</i> <i>USMCR</i>	<i>Air Force</i> <i>ANG</i> <i>USAFR</i>	<i>Coast-Guard</i>
Aircraft Accidents	AR 385-40 AR 95-5	OPNAV INST 3750.6	AFR 127-4 AFM 87-18 AFM 93-1 AFR 160-109 AFM 127-1 AFR 127-18 AFR 190-20	Chapter 2B of COMDTINST M5100.29
Missing Aircraft	AR 385-40 AR 95-5	OPNAV INST 3750.6	AFR 127-4 AFR 23-19 AFM 55-8 AFM 30-25 AFR 127-18	Chapter 2B of COMDTINST M5100.29
Investigating Boards	AR 385-40 AR 15-6 AR 95-5	JAG Manual OPNAV INST 3750.6	AFR 11-1 AFR 35-67 AFR 110-14 AFR 127-4 AFR 62-5 AFR 127-18	CG Supplement to the Manual for Courts- Martial CG-241
Accident Claims	AR 27-20	JAG Manual	AFM 112-1 AFR 127-4 AFM 127-1	COMDTINST 5890.4 series
News Releases	AR 340-16 AR 360-5 AR 340-17 AR 360-80	NAVSO P-1035	AFR 190-10 AFR 205-1 AFM 30-25 AFR 127-4 AFM 127-1	CG-247
Flying Violations	AR 95-12	OPNAV INST 3760.1	AFR 62-5 AFR 127-4 AFM 127-1 AFR 127-18	CG-333
Air Traffic Control & Flight Rules	AR 95-1 AR 95-9 AR 95-37 NGR 95 TM 1/2557-26 29 30	OPNAV INST 3710.7	AFR 55-19 AFR 86 series AFM 60-5	CG-333

NTSB Organizational/Procedural Regulations

Code	Part Number	Title
49 USC 1801		Transportation Safety Act of 1974
	800	Statement of Organization and Functions of the Board and Delegations of Authority
	801	Public Availability of Information
	821	Rules of Practice in Air Safety Enforcement Proceedings
	830	Rules Pertaining to the Notification and Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records
	831	Rules of Practice in Aircraft Accident/Incident Investigations
	835	Testimony of Board Accident Investigators

PARTICIPATING AGENCIES—MILITARY/NTSB/FAA

The following addresses and phone numbers provide participating agencies' direct communication during all phases of any accident investigation.

Military Service Headquarters

MAIL ADDRESS	MESSAGE ADDRESS	PHONE NUMBERS
Deputy Chief of Staff for Personnel, Department of the Army, Wash DC 20310	HQDA (DAPE-HRS) Wash DC	AV 225-7293/92/91 (202) 695-7293
Chief of Naval Operations, Department of the Navy, Aviation Safety Coordinator (OPO5F) Wash DC 20350	CNO Washington DC	AV 22-55659/55715 (202) 695-5659/5715
The Inspector General, Department of the Air Force, Wash DC 20330	CSAF Wash DC/IG	AV 22-76733 (202) 697-6733 After Duty Hours AV 225-7220 (202) 697-7220
Commandant (G-CSP) United States Coast Guard 2100 2nd St, SW Wash DC 20593	COMDT COGARD Wash DC For G-CSP	AV 851-1452 Ext 61883 (202) 426-1883

Military Safety Centers

United States Army: Commander, US Army Safety Center Ft Rucker AL 36362	CDR, USASC ATTN: PESC-ZO Ft Rucker AL	AV 558-3306/3820/6510 (205) 255-3306/3820/6510
United States Navy: Commander Naval Safety Center Naval Air Station Norfolk VA 23511	COMNAVSAFECEN NORVA	AV 690-2929 (804) 444-2929
United States Air Force: Director of Aerospace Safety AFISC/SE Norton AFB, CA 92409	AFISC Norton AFB CA/IGD(SE)	AV 876-5084 (714) 382-5084 After Duty Hours AV 876-4726 (714) 382-4726
Commandant (G-CSP) United States Coast Guard 2100 2nd St, SW Wash DC 20593	COMDT COGARD Wash DC For G-CSP	AV 851-1452 Ext 61883 (202) 426-1883 After Duty Hours AV 851-1495

NTSB—Washington DC

Mail and Message Address	Phone Number
Chairman of the Board National Transportation Safety Board 800 Independence Ave, SW Wash DC 20594	(202) 472-6000
Director, Bureau of Accident Investigation National Transportation Safety Board 800 Independence Avenue, SW Wash DC 20594	(202) 472-6066

NTSB—Field Offices

Mail and Message Address	Phone Number	Mail and Message Address	Phone Number
<i>Anchorage, Alaska</i> NTSB Field Office 632 Sixth Ave, RM 454 Anchorage AK 99501	(907) 277-0593	<i>Des Plaines Illinois</i> NTSB Field Office 2300 E. Devon Ave, Rm 208 Des Plaines IL 60018	(312) 827-8858
<i>Aurora Colorado</i> NTSB Field Office 10255 East 25th Ave Aurora CO 80010	(303) 837-4492	<i>Fort Worth Texas</i> NTSB Field Office Federal Bldg, Rm 7A07 819 Taylor St Fort Worth TX 76102	(817) 334-2616

Mail and Message Address	Phone Number	Mail and Message Address	Phone Number
<i>Jamaica New York</i> NTSB Field Office Federal Bldg, Rm 102 John F. Kennedy Intl. Airport Jamaica NY 11430	(212) 995-3716	<i>Kansas City Missouri</i> NTSB Field Office Federal Bldg, Rm 625 601 East 12th St Kansas City MO 64106	(816) 374-3576
<i>Los Angeles, California</i> NTSB Field Office 8939 South Sepulveda Blvd, Suite 426 Los Angeles CA 90045	(213) 536-6584	<i>Oakland, California</i> NTSB Field Office 7700 Edgewater Dr., Suite 748 Oakland CA 94621	(415) 568-1290
<i>Miami, Florida</i> NTSB Field Office P.O. Box 1245 Miami Intl. Airport Miami FL 33148	(305) 526-2940	<i>Seattle, Washington</i> NTSB Field Office 9010 E. Marginal Way S. Seattle WA 98108	(206) 764-3782

FAA—Washington DC

Mail and Message Address	Phone Number
The Administrator Federal Aviation Administration 800 Independence Ave, SW Wash DC 20590	(202) 426-3111 (202) 655-3111
Combined Operations Center (COC)	(202) 426-3333

FAA—Regional Offices

<i>Alaskan Region—Anchorage</i> (Governing Alaska and Aleutian Islands) 632 Sixth Ave, Anchorage 99501 Areas and Area Coordinators Anchorage—4510 International Airport Road, Anchorage 99502 Fairbanks—3788 University Ave, Fairbanks 99701 Juneau—PO Box 5115, Juneau 99801 King Salmon—PO Box 67, King Salmon 99613	(907) 265-4201 Duty Off. (907) 265-4267 (907) 272-1020 (907) 456-4600 (907) 586-7245 (907) 246-3321
<i>Central Region—Kansas City</i> (Governing Iowa, Kansas, Missouri, Nebraska) 601 East 12th St, Kansas City MO 64106	(816) 374-5626 Duty Off. (816) 374-3246
<i>Eastern Region—New York</i> (Governing Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia) John F. Kennedy Intl. Airport, Jamaica NY 11430	(212) 995-2801 Duty Off. (212) 995-3763
<i>Great Lakes Region—Chicago</i> (Governing Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin) 2300 E. Devon Ave, Des Plaines IL 60018	(312) 694-9291 Duty Off. (312) 694-9391
<i>New England Region—Boston</i> (Governing Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont) 12 New England Executive Park, Burlington, MA 01803	(617) 273-7244/7245 Duty Off. (617) 273-7201
<i>Northwest Region—Seattle</i> (Governing Idaho, Oregon, Washington) FAA Building, Boeing Field, Seattle WA 98108	(206) 767-2780 Duty Off. (206) 767-2600
<i>Pacific Region—Honolulu</i> (Governing Hawaii, Western Pacific) PO Box 4009, Honolulu, HI 96813	(808) 546-8641 Duty Off. (808) 546-7544

Mail and Message Address	Phone Number
<i>Rocky Mountain Region—Denver</i>	
(Governing Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)	
Park Hill Station, PO Box 7213, Denver CO 80207	(303) 837-3646
	Duty Off. (303) 837-4455
<i>Southern Region—Atlanta</i>	
(Governing Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Kentucky, Puerto Rico, U.S. Virgin Isl, Canal Zone)	
PO Box 20636, Atlanta GA 30320	(404) 763-7222
	Duty Off. (404) 763-7541
<i>Southwest Region—Fort Worth</i>	
(Governing Arkansas, Louisiana, New Mexico, Oklahoma, Texas)	
PO Box 1689, Fort Worth, TX 76101	(817) 624-4911 ext 200
	Duty Off. (817) 624-4911 ext 321
<i>Western Region—Los Angeles</i>	
(Governing Arizona, California, Nevada)	
PO Box 92007, Worldway Postal Center, Los Angeles, CA 90009	(213) 536-6427
	Duty Off. (213) 536-6435

Emergency Military Airlift

If situational urgency precludes use of commercial air carrier, emergency military airlift is available through:

Office of Special Assistant to the Secretary and Deputy Secretary of Defense	Duty hours AV 225-0028 (202) 695-0028 24 hours AV 227-8151 (202) 697-8151
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NOTIFICATION OF FAA/NTSB

FOR MILITARY AUTHORITIES TO NOTIFY THE FAA/NTSB OF POSSIBLE INVOLVEMENT OF FAA/NTSB IN AN AIRCRAFT ACCIDENT/MISSING AIRCRAFT.

(See paragraph 13, basic directive)

FROM: (Military unit and its address on the date of message origin)

TO: FAA NTSB (Addresses in attachment 2)

INFO: As Appropriate

SUBJECT: Aircraft Accident Involving an FAA Function

UNCLAS

- A. Date and local time with time zone of accident.
- B. Location of accident scene. (Give NM distance and MAG direction from nearest military base or prominent geographical location; otherwise, use longitude and latitude coordinates for location.)
- C. Aircraft type, model, and serial number.
- D. Unit to which aircraft was assigned at time of accident.
- E. Last departure base of aircraft.
- F. Type of air traffic control clearance.
- G. Aircraft destination.
- H. Last known aircraft position in flight and/or radio contact with pilot.
- I. Security classification of accident as applicable.
- J. Whether radioactive materials are aboard the aircraft (yes or none)
- K. Description of how accident occurred. (Indicate the maneuvers being performed with the aircraft.)
- L. Identify the FAA function(s) possibly involved. (See paragraph 14). (When military authorities desire FAA or NTSB participation, this subparagraph will include a request for FAA or NTSB to participate in the investigation.)
- M. State whether other investigations are going to be conducted.
- N. Name, grade, telephone number, address of the person for FAA/NTSB personnel to contact if further information is desired.

FAA/NTSB Participation in Military Investigation

FOR FAA/NTSB TO NOTIFY MILITARY AUTHORITIES REGARDING FAA/NTSB PARTICIPATION IN AN AIRCRAFT ACCIDENT INVESTIGATION. (See section C, basic directive)

FROM: FAA
ACTION TO: The military safety center or originator of the notification message or request for participation.

INFORMATION TO:

- a. (Appropriate military accident board if address is available.)
- b. (Appropriate military service headquarters—Refer to attachment 2.)

SUBJECT: Aircraft Accident (aircraft type, model, serial number) Occurring (location) on (date and time)

1. Reference (message, telephone calls, etc.)
2. FAA (will) (will not at this time) participate.
3. The FAA Accident Coordinator is: (Give full name, position held in FAA/NTSB, security clearance, and duty station.)
4. Other FAA personnel assisting the FAA/Accident Coordinator participants are: (For each person, give full name, position held in agency, security clearance, and duty station.)
5. FAA personnel arriving by (motor, air, rail) at (time and place).
6. State any FAA requests or requirements.

(FORMAT MAY ALSO BE USED BY NTSB)

AFR 127-11

AR 95-30/OPNAVINST 3750.16B/CG 307 Atch 5 26 April 1976

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Military Participation in NTSB Investigation

FOR MILITARY SAFETY CENTERS TO NOTIFY NTSB OF APPOINTMENT OF COORDINATOR/INTENT TO PARTICIPATE AS PARTY TO THE NTSB INVESTIGATION. (See paragraph 9, basic directive)

FROM: Military Safety Center

TO: NTSB

INFO TO:

- a. Military accident investigation board.
- b. FAA

SUBJECT: Aircraft Accident (aircraft type, model, serial number)
Occurring (location) or (date and time)

1. Reference (telephone call, contact)
2. The (military service) coordinator is: (Give full name, position, rank or title, security clearance and duty station.)
3. (Appropriate service) (will) (will not) participate as a party to the field investigation. Personnel designated as party(s) to the investigation (same info as in item 2 for each person).
4. Military personnel travel/arrival information.
5. Requests or special requirements.